

**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

Plaintiff(s)

MARY SHAW

vs.

Civil Action No:

Defendant(s)

UNITED STATES OF AMERICA,
UNITED STATES POSTAL SERVICE
and JOHN DOES I-V (Fictitious Persons)

**COMPLAINT AND DEMAND
FOR JURY TRIAL**

Plaintiff, MARY SHAW, in the above entitled and captioned matter, by way of Complaint against the Defendants respectfully demands Judgment of this Honorable Court against each Defendant, as follows:

INTRODUCTION

1. This is an action for damages against all Defendants for personal injuries sustained as a result of the negligence of the Defendants, and their agents servants and employees under the Federal Tort Claims Act (FTCA). Plaintiff seeks compensatory damages, costs and attorney's fees pursuant to the FTCA.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. § 1346(b)(1). Venue in this District is proper in that the conduct complained of occurred here, the Plaintiff resides here and the Defendant is registered to conduct business in the State of New Jersey and in this vicinage. 28 U.S.C. § 1391.

WAIVER OF SOVEREIGN IMMUNITY

3. The FTCA is a limited waiver of sovereign immunity for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. 28 U.S.C. § 1346.

PARTIES

4. Plaintiff, Mary Shaw, is a natural person residing in Jersey City, New Jersey, Hudson County.
5. Defendants the United States of America and the United States Postal Service (USPS) are one and the same, a sovereign.
6. Defendants John Does I-V are unidentified employees, agents or servants of the USPS acting within the scope of their employment.
7. All Defendants are operating within the State of New Jersey.

REQUEST FOR COSTS OF LITIGATION

8. Plaintiff respectfully requests that this Court award Plaintiff litigation expenses, in accordance with the provisions of the FTCA.

REQUEST FOR TRIAL BY JURY

9. Plaintiff requests a trial by jury.

FIRST COUNT (NEGLIGENCE)

10. The Defendants United States of America and the United States Post Office, were jointly, severally and in the alternative, the owners, managers, commercial tenants, persons in control or persons responsible for maintenance of certain real property and/or business open to the public, for a certain retail establishment known as United States Post Office located at 899 Bergen Avenue, Jersey City, New Jersey on or about the 27th day of June, 2022, and at all times referred to herein.
11. The Defendants John Does I-V, fictitious persons, were the employees and/or property managers, outside contractors or maintenance companies whose identity is unknown to Plaintiff, that were hired by the Defendants United States of America, and United States Post Office, to maintain the premises.
12. Defendants conducted business open to the public and inviting the public onto the premises to make use of facilities therein.
13. On or about the 27th day of July, 2022, the Plaintiff, Mary Shaw was a business invitee on the said premises.
14. The building was staffed with employees and agents of each of the Defendants, assigned to assist the public in their transactions and to maintain and inspect the premises to keep it safe for customers.
15. The Defendants jointly, severally and in the alternative, negligently failed to inspect and maintain the interior floor of the store allowing water or some other liquid to accumulate thereon, causing a hazardous condition to exist and creating a reasonably foreseeable risk of injury. The hazardous condition was caused by the Defendants, by their negligence, wrongful act or omission to correct a known danger, which dangerous condition the

Defendants had actual or constructive notice, in sufficient time prior to the accident, to have taken measures to protect against such condition.

16. The Defendants, their agents, servants or employees, jointly, severally and in the alternative, did so negligently fail to perform their functions in designing, constructing, inspecting and maintaining the premises, so as to cause a hazardous condition to exist.

17. As a direct and proximate result, Plaintiff, Mary Shaw, was caused to slip and fall, striking her head and limbs and various other parts of her body.

18. As a direct and proximate result of the Defendants' negligence, the Plaintiff, Mary Shaw sustained personal injuries to various parts of her body which have resulted in permanent injuries which have not and will not heal with further treatment.

19. As a further result of the Defendants' negligence, the Plaintiff, Mary Shaw has incurred and will continue to incur expenses for doctors, hospitals and hospital care and other medical treatment for her injuries. In addition, Plaintiff has been disabled and unable to perform her usual functions and has been caused and will be caused great pain and suffering to her great loss and damage.

20. All conditions precedent to the bringing of this action have been performed, waived or excused, including but not limited to, the presentation of the claim,

28 U.S.C. § 2675(a) and the statement of a sum certain. 28 U.S.C. § 2675(b).

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants for damages, attorneys fees, costs of suit, interest, and for such other and further relief as may be just and proper.

DESIGNATION OF TRIAL COUNSEL

Lawrence D. Minasian, Esq. is hereby designated as trial counsel on behalf of plaintiff.

LOCAL RULE 11.2 CERTIFICATION

Pursuant to Local Rule 11.2, I certify that to my knowledge the matter in controversy alleged in the foregoing Complaint is not the subject of an action pending in any court, or of any pending arbitration or administrative proceeding.

GREENBERG MINASIAN, LLC
Attorneys for the Plaintiff

Date: November 13, 2024

/s/Lawrence D. Minasian
LAWRENCE D. MINASIAN